



US Army Corps
of Engineers
Detroit District

Public Notice

Applicant: Ricky Sarazin, agent for Harry Bennetts

In Reply Refer To: Corps File No. LRE-2004-610100-S11

Date: October 13, 2011
Expires: November 2, 2011

Proposed Culvert, Bulkhead, Dredging, and Discharge of Dredged and Fill Material in the Keweenaw Waterway at Lake Linden, Michigan

Applicant: Ricky Sarazin, 47841 Bootjack Road, Lake Linden, MI 49945-9797

Project Location: The site is located in the Keweenaw Waterway at 48749 Bootjack Road, Lake Linden, T55N, R32W, Section 31, Houghton County, Michigan.

Federal Authority: The applicant has applied for a Department of the Army permit under Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act.

State Authority: Section 401 of the Clean Water Act requires that all discharges of dredged or fill material must be certified by the State as complying with applicable effluent limitations and water quality standards. Coastal Zone Management Certification (or waiver thereof) is required from the State of Michigan if this proposed activity would occur within the designated coastal zone.

Project Description: As shown on the attached plans, the applicant proposes to complete the following in a seasonal stream and emergent wetland below the Ordinary High Water Mark of the Keweenaw Waterway: 1. Remove an existing footbridge located 55' from the mouth of the drainage; 2. Culvert Installation: Beginning 100' upstream of the mouth of the stream and extending 60' downstream, remove 60' of existing deteriorated bulkhead using an excavator, mechanically dredge approximately 2 cubic yards to install a 60' long, 36" diameter culvert, discharge 34 cubic yards of clean fill, dredged material as backfill, and rock riprap (at the culvert inlet and outlet), construct 7.5 linear feet of timber wall around the downstream opening of the culvert, and discharge an additional 9 cubic yards of topsoil along the length of the culvert to match the existing adjacent upland contours. The culvert inlet invert elevation would be approximately 601.4', IGLD 1985. The culvert outlet invert elevation would be approximately 601.15', IGLD 1985; 3. Bulkhead Replacement: Replace 41' of cedar post bulkhead on the north bank of the stream, and 58' of cedar post bulkhead along the south bank of the stream, downstream of the new culvert, a maximum of 0.75' waterward of the existing bulkheads, and discharge approximately 15 cubic yards of backfill after the existing deteriorated bulkheads are removed. The cedar posts for the bulkheads would be installed using a water jet.

As proposed, the project would result in the loss of 0.013 acres of wetland and enclosure of 60' of seasonal stream, below the Ordinary High Water Mark of Lake Superior.

The applicant's stated project purpose is to remove a safety hazard for children and stabilize the deteriorating bulkheads.

Avoidance & Minimization: The applicant has stated the following regarding avoidance and minimization of impacts to Waters of the United States. "The original project proposal was to install a culvert and fill the entire 101' of ditch. The current proposal for installing a 60' culvert and replacing the remaining 41' of bulkhead in kind reduces the wetland impacts to the downstream portion of the ditch."

Compensatory Mitigation: The applicant has stated the following concerning compensatory mitigation for unavoidable impacts to Waters of the United States:

Mitigation is not necessary or appropriate for the proposed work because: "There is no compensatory mitigation planned for this project."

The Corps has not verified the adequacy of this mitigation proposal at this time.

Other Authorizations:

A permit from the Michigan Department of Environmental Quality under applicable provisions of the Natural Resources and Environmental Protection Act (NREPA), 1994 PA 451, has been issued. The State file number is 10-31-0047-P.

Comments: We are publishing this notice in compliance with Title 33 Code of Federal Regulations Parts 320-332. Comments on the project should be submitted in writing and postmarked or delivered by the expiration date of this public notice. Comments of a positive or negative nature may be submitted. All responses must refer to file number LRE-2004-610100-S11. We will interpret a lack of response as meaning that there is no objection to the permit application. Comments should be filed with:

Charles M. Simon
Chief, Permit Evaluation Western Branch
Regulatory Office, Detroit District, Corps of Engineers
477 Michigan Avenue, Detroit, Michigan 48226-2550.

Comments may be e-mailed to: Jean.M.Battle2@usace.army.mil, but must include a name and mailing address.

Public Hearing: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Evaluation: The decision whether to issue the Department of the Army permit will be based on evaluation of the probable impact of the proposed activity on the public interest. This decision will reflect the national concerns for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

This activity involves the discharge of dredged or fill material into waters of the United States. Therefore, the U.S. Army Corps of Engineers' evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator of the Federal Environmental Protection Agency, under the authority of Section 404(b)(1) of the Clean Water Act.

Endangered Species: We will review this application for the potential impact on threatened or endangered species pursuant to Section 7 of the Endangered Species Act as amended. We are not aware of the presence of any listed species or critical habitat at or in the vicinity of the proposed worksite. We invite information and/or comments regarding the potential presence of, or impacts to, any listed species or critical habitat.

Cultural Resources: The District Staff has reviewed existing information on historic properties potentially affected by the proposed project, including the National Register of Historic Places. There are no recorded historic properties within the permit review area. The proposed work is of such a limited nature and extent that little likelihood exists for the project to impinge upon an unrecorded historic property.

Additional Information: This public notice and drawings are also available for viewing/printing at: <http://www.lre.usace.army.mil/functions/rf/html/pncur.htm>. Questions concerning this application may be directed to Jean Battle at the Corps of Engineers address

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listed above, or telephone number 906-228-2833.

FOR THE DISTRICT ENGINEER:

Charles M. Simon
Chief, Permit Evaluation Western Branch
Regulatory Office

NOTICE TO POSTMASTERS:

We request that the above notice be conspicuously and continuously posted for the time period of this notice.